

## Marley Hart

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**From:** Tom Mitchell  
**Sent:** Thursday, November 02, 2006 10:51 AM  
**To:** Keith Umemoto; Mike Manieri; Marley Hart  
**Subject:** FW: Question on unloading rail cars

The following is a request to revise requirements for industrial trucks.

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**From:** Ric Morrison [mailto:ric@sunsetmoulding.com]  
**Sent:** Thursday, November 02, 2006 9:13 AM  
**To:** Tom Mitchell  
**Subject:** RE: Question on unloading rail cars

Tom:

Thank you for your reply. Yes, I am requesting you to pursue a revision relative to the blue flag/ blue light requirement in §3650. Industrial Trucks. General. (s) (23).

Ric Morrison

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**From:** Tom Mitchell [mailto:TMitchell@dir.ca.gov]  
**Sent:** Wednesday, November 01, 2006 3:38 PM  
**To:** Ric Morrison  
**Subject:** RE: Question on unloading rail cars

Ric,

If you would like to know whether your practices comply with 3650(23) you will need to contact the Division Of Occupational Safety and Health. You could contact the district office or the Headquarters Research and Standards – Safety Unit, Larry McCune is the supervising Safety Engineer. The Standards Board can't interpret what constitutes compliance with the standard. The Board can amend the standard if it is not clear or conflicts with other standards. You can petition us directly to change the standard, you have already given us the necessary information all you would have to do is ask us to pursue a revision. Or, you can discuss it with Larry McCune or Mike Manieri, Supervising Engineer for the Board, before you decide whether a petition is appropriate.

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**From:** Ric Morrison [mailto:ric@sunsetmoulding.com]  
**Sent:** Wednesday, November 01, 2006 12:29 PM  
**To:** Tom Mitchell  
**Cc:** John Morrison; Howard Little; Jim Perigo; Mike Morrison; Steve Lehr; Robin Magby  
**Subject:** FW: Question on unloading rail cars

Tom:

I was reading the Cal-OSHA's §3650. Industrial Trucks. General. (s) (23) as follows:

(23) To prevent railroad cars from moving during loading or unloading operations, the car brakes shall be set, wheel chocks or other recognized positive stops used, and blue flags or lights displayed in accordance with applicable regulations promulgated by the Public Utilities Commission.

11/2/2006

I sent a question regarding this to the Public Advisor of the Public Utilities Commission (since that is the agency this section refers to) and received the answer below. It seems to me that this regulation under industrial trucks should be changed to match the practice of the industry and the Public Utilities Commission or the Public Utilities Commission should change their regulations to match OSHA. Either way, it leaves companies like us in a quandary. We make sure the brakes of railcars are set before we start to unload railcars, but we don't use any blue flags. Our railroad contacts are telling us we don't need to use blue flags when unloading rail cars, only that we must wear orange vests, hard hats and set the railcar brakes. How should we proceed?

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**From:** Elsmore, George [mailto:GLE@cpuc.ca.gov]  
**Sent:** Tuesday, October 31, 2006 12:29 PM  
**To:** Ric Morrison  
**Cc:** Public Advisor  
**Subject:** RE: Question on unloading rail cars

Ric:

The Public Utilities Commission has not promulgated any rules requiring the display of blue flags or lights on railroad cars during loading or unloading operations. Assuming the referenced operations are within the confines of an insular industrial facility, there are no federal requirements for the display of blue flags or lights on railroad cars either.

As information, the requirements for the display of blue flags or lights originate in federal statutes applicable to railroads that comprise part of the general national system of rail transportation. The purpose of blue signals is to provide a universally recognized rail-industry recognized indication that workers are on, under or around the blue-signal protected equipment. Railroad employees are trained that equipment marked with blue signals must not be coupled into with other cars, equipment, or locomotives; or otherwise disturbed in any way that may cause the car to move.

Title 49 Code of Federal Regulation (CFR) Subpart B, "Blue Signal Protection of Workers" Part 218.27 "Workers on track other than main track" may apply to cars and trackage in your industrial facility under certain circumstances. For instance, if cars spotted within your facility were to experience a mechanical failure (i.e. broken wheel, damaged ladder, inoperative brakes) which required railroad mechanical forces to effect repairs at your facility by working on, under or around the damaged rail car, it would be the responsibility of the railroad employees to establish the appropriate blue signal

protection to ensure safety for the railroad mechanical employees. Note that, in any event, the responsibility to comply with this regulation is that of the railroad, not the industry. I have included the full text of the applicable part below for your reference:

**Workers on track other than main track**

When workers are on, under, or between rolling equipment on track other than main track-

**218.27(a)**

(a) A blue signal must be displayed at or near each manually operated switch providing access to that track;

**218.27(b)**

(b) Each manually operated switch providing access to the track on which the equipment is located must be lined against movement to that track and locked with an effective locking device; and

**218.27(c)**

(c) The person in charge of the workers must have notified the operator of any remotely controlled switch that work is to be performed and have been informed by the operator that each remotely controlled switch providing access to the track on which the equipment is located has been lined against movement to that track and locked as prescribed in § 218.30.

**218.27(d)**

(d) If rolling equipment requiring blue signal protection as provided for in this section is on a track equipped with one or more crossovers, both switches of each crossover must be lined against movement through the crossover toward that rolling equipment, and the switch of each crossover that provides access to the rolling equipment must be protected in accordance with the provisions of paragraphs (a) and (b), or (c) of this section.

**218.27(e)**

(e) If the rolling equipment to be protected includes one or more locomotives, a blue signal must be attached to the controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive.

George Elsmore  
Program Manager  
Railroad Operations Safety Branch  
415-703-2665

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**From:** Ric Morrison [mailto:ric@sunsetmoulding.com]  
**Sent:** Monday, October 30, 2006 8:41 AM  
**To:** Public Advisor  
**Subject:** Question on unloading rail cars

I was reading the Cal-OSHA's §3650. Industrial Trucks. General. (s) (23) as follows:

(23) To prevent railroad cars from moving during loading or unloading operations, the car brakes shall be set, wheel chocks or other recognized positive stops used, and blue flags or lights displayed in accordance with applicable regulations promulgated by the Public Utilities Commission.

I don't know anything about the blue flags or lights. Would you be kind enough to direct me to these regulations so we can abide by them? This is the first time that I have ever seen this requirement and I need to understand what is needed.

*Ric Morrison*

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